

REMARKS/ARGUMENTS

The Examiner has rejected independent claims 1 and 26, as well as dependent claims 2-8, 10,11,13 and 16-21 under 35 USC 102(b) as being anticipated by *Geng*. The standard to be applied under 35 USC 102(b) is that a claim is anticipated only if the reference teaches every element of the claim, MPEP §2131.

Applicant respectfully submits that *Geng* does not satisfy this standard. Applicant's claims 1 and 26 as amended hereby for clarification recite a procedure site aperture which comprises co-aligned apertures in said absorbent layer and said patch base layer. No such structure is shown or taught by *Geng*. The only aperture taught by *Geng* is one formed in its backing sheet material as shown in Fig. 3. There is no co-aligned aperture in an absorbent layer. In fact the only absorbent material taught by *Geng* is an optional layer of gauze on the flap of Fig. 3. That gauze does not have any aperture in it, and in fact serves to close the aperture in the backing sheet when the flap is closed. It is requested that the rejection under 35 USC 102(b) be withdrawn.

The Examiner has indicated with respect to claim 8 that the absorbent layer in *Geng* inherently comprises an adhesive coating on a bottom surface. Applicant respectfully traverses the Examiner's position. There is no such teaching in *Geng*. The absorbent layer in *Geng* is positioned to overly a wound. It is quite apparent that any adhesive on the bottom surface of such an absorbent layer would be very detrimental since it would tend to contaminate the wound, and would seriously disturb the wound when the flap is opened for observation.

With respect to claim 10, the Examiner refers to an aperture through said absorbent layer. As discussed above, *Geng* does not show or teach any aperture through its absorbent layer.

With respect to claim 11 and 16, the Examiner makes reference to a flap composed of a transparent material in *Geng*. It is clear from the reference in *Geng* to which the Examiner points, that the transparent portion 10 of *Geng* is a portion of *Geng*'s backing sheet which is fixed in place, and is not part of the *Geng* flap 18.

With respect to claim 19, the Examiner refers to an absorbent pad cut from an absorbent layer. There is no absorbent layer in *Geng*, and there is no teaching or suggestion in *Geng* that the optional gauze pad 22 is cut from any other portion of the *Geng* device. There is clearly no teaching in *Geng* that the absorbent pad is of the same size and shape of an absorbent layer

which as discussed above, is totally absent from the *Geng* structure.

The Examiner asserts, without any specific supporting analysis (see USPTO Memorandum dated May 3, 2007 referring to *KSR International Co. vs. Teleflex, Inc.*) that it would be an “obvious matter of design choice to modify wound dressing of *Geng* to have absorbent layer interposed between a carrier paper and patch base layer, and an aperture pass through absorbent layer and patch base layer, since applicant has set forth no criticality as to the structure and function of the absorbent layer....” Applicant strongly traverses this conclusory assertion by the Examiner. In addition to the lack of specific supporting analysis, applicant in fact has set forth the criticality of the absorbent layer at page 19, lines 15 to 18 of the present application as follows: “The absorbent layer 34 must be able to wick away fluids from the procedure site. As such, the absorbent layer 34 is composed of a material that is compatible with extended contact with human or animal skin and readily absorbs fluids.”

For all the reasons asserted above, it is respectfully submitted that dependent claims 2-8, 10, 11, 13 and 16-21 are not anticipated by *Geng*, and that the Examiner’s rejection under 35 USC 102(b) should be withdrawn.

The Examiner has further rejected claim 9 under 35 USC 103(a) over *Geng* in view of *Webster*. The mere mention of a thickness of an absorbent layer by Webster, does not overcome the deficiencies of *Geng* as a reference discussed above, particularly since *Geng* does not disclose or teach the use of an absorbent layer as used in the embodiments of the invention. It is requested that the above rejection of claim 9 be withdrawn.

The Examiner has rejected claims 14 and 15 under 35 USC 103(a) over *Geng*. The Examiner bases this rejection on the unsupported assertion that “it would have been an obvious matter of design choice to modify the wound dressing to have adhesive bead placed on the patch base layer....” The Examiner makes this conclusory assertion despite the fact that not one of the seven references cited has been asserted as disclosing an adhesive bead used to maintain the flap of the observation door in an undeployed position. It is respectfully requested that this grounds of rejection be withdrawn.

In view of the above, it is urged that one skilled in the art of medical dressing design would not be directed or otherwise motivated to arrive at the embodiments of the claimed invention, nor would the skilled artisan find it obvious to arrive at the embodiments of the claimed invention, given the teachings of the references cited.

Accordingly it is submitted that this application is now in condition for allowance and such action is respectfully requested.

The Examiner is also requested to telephone the undersigned attorney if there are any further issues to be resolved.

Respectfully submitted,

/ John Salazar /

John F. Salazar, Reg. No. 39,353
MIDDLETON REUTLINGER
2500 Brown & Williamson Tower
Louisville, Kentucky 40202
ph (502) 625-2756
fax (502) 588-1934
jsalazar@middreut.com

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